IN THE DISTRICT COURT OF THE UNITED STATES FOR THE MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION

DEDRIC JAMAR DEAN,)	
AIS #197053,)	
)	
Plaintiff,)	
)	
V.)	CASE NO. 2:17-CV-115-WHA
)	
KILA JONES, a.k.a., Karla Jones, et al.,)	
)	
Defendants.)	

RECOMMENDATION OF THE MAGISTRATE JUDGE

Dedric Jamar Dean, a state inmate currently incarcerated at the Ventress Correctional Facility, initiated this 42 U.S.C. § 1983 action on February 28, 2017. After reviewing the complaint and finding numerous deficiencies with this pleading, the court determined that Jean should be provided an opportunity to file an amended complaint to correct those deficiencies. A detailed order was therefore issued explaining the deficiencies and providing Dean instructions with respect to filing an amended complaint. Doc. No. 5 – Order of March 21, 2017 at 1-5. The court specifically cautioned Dean that his failure to comply with this order would result in a Recommendation that this case be dismissed. *Id.* at 4.

The court granted Dean extensions of time in which to file his amended complaint. Dean failed to file an amended complaint within the time allowed by the court. Based on this failure, the court entered an order directing that on or before July 7, 2017 Dean "shall (i) show cause why he has failed to file an amended complaint in compliance with the directives of the order entered on March 21, 2017, Doc. No. 5 (Due to deficiencies in the

complaint, the plaintiff shall file "[a]n amended complaint against the health care personnel who he alleges have denied him adequate medical and mental health treatment. In the amended complaint, the plaintiff shall describe how each named defendant acted in violation of his constitutional rights."), and (ii) file the requisite amended complaint." Doc. No. 12 – Order of June 21, 2017. The court again cautioned Dean that his "fail[ure] to respond to the directives of this order [would result in a recommendation] that this case be dismissed without prejudice for such failure." *Id*.

As of the present date, Dean has failed to file an amended complaint as required. In light of Dean's failure to file the amended complaint, the court concludes that this case should be dismissed. *Tanner v. Neal*, 232 Fed. App'x 924 (11th Cir. 2007) (affirming *sua sponte* dismissal without prejudice of inmate's § 1983 action for failure to file an amended complaint in compliance with court's prior order directing amendment and warning of consequences for failure to comply); *Moon v. Newsome*, 863 F.2d 835, 837 (11th Cir. 1989) (holding that, as a general rule, where a litigant has been forewarned, dismissal for failure to obey a court order is not an abuse of discretion.).

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be dismissed without prejudice for failure of the plaintiff to file an amended complaint as ordered by this court.

The plaintiff may file objections to the Recommendation on or before August 25, 2017. The plaintiff must specifically identify the factual findings and legal conclusions in the Recommendation to which his objection is made. The plaintiff is advised that frivolous, conclusive, or general objections will not be considered. Failure to file written

objections to the Magistrate Judge's findings and recommendations in accordance with

the provisions of 28 U.S.C. § 636(b)(1) shall bar a party from a *de novo* determination by

the District Court of legal and factual issues covered in the Recommendation and waives

the right of the party to challenge on appeal the district court's order based on

unobjected-to factual and legal conclusions accepted or adopted by the District Court

except upon grounds of plain error or manifest injustice. 11TH Cir. R. 3-1; see Resolution

Trust Co. v. Hallmark Builders, Inc., 996 F.2d 1144, 1149 (11th Cir. 1993); Henley v.

Johnson, 885 F.2d 790, 794 (11th Cir. 1989).

DONE, on this the 11th day of August, 2017.

/s/ Susan Russ Walker

Susan Russ Walker

United States Magistrate Judge

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